

BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD

IN THE MATTER OF:

Case Nos.: 21-96 & 22-94

Melanie Rettler, DVM

ORDER DENYING RESPONDENT'S

Holder of License No. 2059

MOTION FOR REHEARING OR REVIEW

For the practice of Veterinary
Medicine in the State of Arizona,

Respondent.

BACKGROUND

At its meeting on August 17, 2022, the Arizona State Veterinary Medical Examining Board ("Board") considered Melanie Rettler's, DVM ("Respondent") Motion for Rehearing or Review ("Motion") of the Board's Order dated June 28, 2022, in the above referenced matter. Respondent was present telephonically. After due consideration of Respondent's arguments and the administrative record, the Board moved to deny her Motion for the reasons stated during its deliberations, specifically that she failed to demonstrate that she was entitled to a rehearing or review for any of the reasons set forth in A.A.C. R3-11-904(C).

ORDER

IT IS HEREBY ORDERED:

Respondent's Motion for a Rehearing or Review is DENIED. The Order in Case Nos. 21-96 & 22-94 dated June 28, 2022, constitutes the Board's final administrative order which now becomes effective upon the mailing of this Order Denying Motion for Rehearing or Review.

1 **RIGHT TO APPEAL TO SUPERIOR COURT**

2 Respondent is hereby notified that the Order is the final administrative
3 decision of the Board and that Respondent has exhausted her administrative
4 remedies. Respondent is advised that an appeal to Superior Court in Maricopa
5 County may be taken from this decision pursuant to A.R.S. § 32-2234(I) and Title
6 12, Chapter 7, article 6 of Arizona Revised Statutes, within 35 days from the date
7 this decision is served.

8 ISSUED this 29th day of August 2022 at Phoenix, Arizona

9 Arizona State Veterinary Medical Examining
10 Board

11 Jessica Creager
12 Chairperson

13 By: 
14 Victoria Whitmore, Executive Director

15 Original of the foregoing filed this 29th day of August, 2022
16 with the:

17 Arizona State Veterinary Medical Examining Board
18 1740 W. Adams Street, Ste. 4600
19 Phoenix, Arizona 85007

20 Copy of the foregoing sent by certified, return receipt mail
21 this 29th day of August, 2022 to:

22 Melanie Rettler, DVM
23 Address on file
24 Respondent

25 Copy of the foregoing sent by U.S. mail
this 29th day of August, 2022 to:

Melanie Rettler, DVM

1 Address on file
2 Respondent

3 Copy of the foregoing sent by email
4 this 29th day of August, 2022 to:

5 Melanie Rettler, DVM
6 Email address on file
7 Respondent

8
9 By: _____
10 Board Staff

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RECEIVED

JUL 29 2022

Initial: _____

Melanie Rettler
20134 E. Ryan Road
Queen Creek, AZ 85142-9774
480-296-9320
melanie.rettler@gmail.com
Respondent

**BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD**

IN THE MATTER OF:

Case No.: 21-96 AND 22-94

MELANIE RETTLER DVM
HOLDR OF LICENSE No. 2059

FOR THE PRACTICE OF VETERINARY
MEDICINE IN THE STATE OF
ARIZONA

**PETITION FOR REHEARING AND
REVIEW OF ARIZONA
VETERINARY MEDICAL
EXAMINING BOARD'S FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
ORDER**

RESPONDENT.

**I. IRREGULARITY IN PROCEEDING OF BOARD – ABUSE OF
DISCRETION**

Dr. Melaine Retter renewed her veterinary license on-line January 2021. She attempted to renew her premise license but the system did not allow it. She contacted Victoria Whitmore at the Arizona Veterinary Board. Victoria was puzzled as to why the license was not renewable on-line and did some research. She indicated to Dr. Rettler that the premise license was not

1 renewed or paid for the previous cycle. This came as a surprise to Dr. Rettler as she had
2 renewed both her veterinary and premise licenses every cycle since she originally obtained
3 them in 1991 (30 years). Victoria assisted Dr. Rettler to renew the premise license by mail.
4 Victoria then opened a case against Dr. Rettler. At the informal hearing, Dr. Rettler explained
5 that she remembered leaving the Queen Creek library to go the post office with both her
6 veterinary license renewal and premise license renewal in her hand and that they were
7 different colored paper. She also told the Board that she never intended not to renew both
8 licenses. She told the Board if she had known the license was missing, she would have
9 corrected the issue promptly. She also told the Board she would pay the late fee. After the
10 Board issued their excessive punishment, Dr. Rettler told them to "Fuck Off" or something
11 similar. She stated that she was not going to pay a \$1000,00 fine AND complete 6 hours
12 Continuing Education for an unintentional mistake that just as likely could have been the
13 Board's mistake. Each of these punishments and "probation" are excessive in and of
14 themselves. There is a woman on the Board and she tried to fine Dr. Rettler \$2,000 until she
15 learned the limit was \$1,000. The Board never established that Dr. Rettler was required to
16 have a premise license during the period in question. Dr. Rettler's private practice was
17 almost non-existent from 2013 to 2021. She was severely injured in two automobile accidents
18 2013 and 2014. She performed substitute work as the Track Veterinarian at Turf Paradise
19 Race Track during this period and that work was under another veterinarian's premise
20 license.
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II. EXCESSIVE PENALTIES

Dr.Rettler renewed both her veterinary and premise licenses every cycle since she originally obtained them in 1991 (30 years). An unintentional mistake, if it was Dr. Rettler's error, to be late in renewing her premise license does not warrant a punishment of a 1 year suspension, \$1000.00 fine and 6 hours Continuing Education.

After the Board issued their excessive punishment, Dr.Rettler told them to "Fuck Off" or something similar. She stated that she was not going to pay a \$1000,00 fine AND complete 6 hours Continuing Education for an unintentional mistake that just as likely could have been the Board's mistake. Each of these punishments and "probation" are excessive in and of themselves. There is a woman on the Board and she tried to fine Dr. Rettler \$2,000 until she learned the limit was \$1,000. Certainly, revoking Dr. Rettler's veterinary license because she won't bow down to the Board who thinks they are "god" and perform/pay the ridiculous excessive original penalty is even more absurd and an abuse of a power I don't agree that they Constitutionally have. But if they have it, they abused it. If Dr.Rettler's premise license renewal was late, the appropriate recourse would have been to charge a late fee which Dr.Rettler stated she would have paid. The second case, unprofessional conduct, would never have arisen.

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2 **III. NEWLY DISCOVERED MATERIAL EVIDENCE INSUPPORT OF**
3 **DUE PROCESS VIOLATION**
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5 At the hearing Dr. Rettler participated in telephonically, she told the Board that she did
6 not receive the certified letter and was not given the 30 day notice required by law. A Board
7 member stated that they received a notice with initials on it claiming the certified letter. Dr.
8 Rettler told them that was not her nor anyone she knew. They mentioned the two initials on
9 the letter. Dr.Rettler did not recognize those as anyone she knew. Dr. Rettler was surprised to
10 learn that a certified letter had been signed for and she did not receive adequate notice to have
11 time to prepare a response. The Queen Creek post office requires an ID and verifies the name
12 and address before handing out a certified letter. Typically, a certified letter is returned to the
13 sender if it is not claimed. The material fact that the notice the Board received back from the
14 post office not only did not have Dr. Rettler's signature but had a stranger's initials is proof
15 that someone else signed for and received the certified mail that was intended for Dr.Rettler.
16 This same person likely received the mailed copy of the letter as they had to have received a
17 notice for the certified letter. This information was newly discovered at the hearing and the
18 lack of a 30 day notification violated the law.
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2 **IV. THE FINDINGS OF FACT OR AND DECISION IS NOT**
3 **SUPPORTED BY THE EVIDENCE AND IS CONTRARY TO LAW**
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6 Dr. Melaine Retter renewed her veterinary licenses together every renewal cycle for 30
7 years. Her premise license was current at the time the case was brought against her and it was
8 a surprise to her that her premise license was not current when she tried to renew on-line after
9 having successfully renewed her veterinary license. Failing to pay for a premise license, if
10 that is what occurred is not practicing without a license. One has to be practicing veterinary
11 medicine to be practicing without a license and the Board did not determine Dr.Rettler had
12 been practicing during the time the premise license supposedly lapsed.
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15 **V. THE FINDINGS OF FACT OR AND DECISION IS NOT SUPPORTED**
16 **BY THE EVIDENCE AND IS CONTRARY TO LAW**
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18 Dr. Rettler incorporates all previous paragraphs by reference. It was an inaccurate finding
19 of fact to determine that Dr.Rettler was properly served with notice on the first case. It was an
20 inaccurate finding of fact to determine that Dr.Rettler performed veterinary medicine without
21 a license. The Board did not determine that status of Dr.Rettler's practice and did not
22 determine that she was required to have a premise license for the period in question.
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VI. DECISION CONTRARY TO LAW

The Board lacks authority to engage in any licensing activity. They are in violation of the ORIGINAL 13TH Amendment to the US Constitution which was ratified in 1819. The Title of Nobilities Act has never been repealed nor lawfully nullified and IS current Supreme Law of the land as part of the US. Constitution. The intent of this Original 13th Amendment is to guarantee political equality among all American citizens, by prohibiting anyone, even government officials, from exercising or claiming any special privilege or power (an “honor”) over other citizens. The Board has no specific “immunity” from lawsuits which are not afforded to all citizens. The Arizona Veterinary Board “attempts” to weld authority that they do not have. Occupational licensing elevates certain citizens above others. It is a barrier to many to enter employment in their desired field of expertise. The Board cannot sell licenses and they each lack immunity for their actions.

The Original 13th Amendment also prohibits all lawyers from holding any public office. The Veterinary Practice Act was drawn up by attorneys. It is void.

VII. DECISION CONTRARY TO LAW

The Arizona Veterinary Board members have violated the Original 14th Amendment, Current 13th Amendment, Slavery or Involuntary Servitude by supporting licensing requirements that enslave licensees. Victoria Whitmore stated that the Board provides a service to the public. This “service” that the Board sells is required off the backs of licensees by a threat of loss of their livelihood and at no compensation to the licensee.

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2 One example is the “service” the Board requires of a veterinarian is that if a veterinarian
3 had an answering machine, the veterinarian must provide a message that tells the caller
4 where the nearest Emergency Clinic is located. A phone service that will handle that
5 demand costs additional money. Many clients do not want to listen to the “advertisement”
6 for a facility that they already have had a bad experience with. The Board demands a
7 licensee spend their time and money to provide the Board with a “service” that they are
8 taking credit for. Victoria wanted to do an inspection of my “premise” in the middle of the
9 summer 2021. My premise is my vehicle and it was 115-116 degrees outside. I asked her
10 if I was being paid for my time. She laughed and told me “NO”. I am NOT laughing. In
11 fact, I am working with the Institute for Justice on the wording for an initiative that I will
12 put on the 2024 ballot to change the Arizona Constitution to eliminate all occupational
13 licenses. The time is ripe for the passage of such a proposition with all the Medical Board
14 abuses of doctors. This proposition will pass. You can thank Victoria.
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22 **VIII. CONCLUSION**

23 Because the Board abused its discretion, violated the law and failed to follow proper due
24 process procedures, Dr. Rettler should be granted her petition for a rehearing and review of
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2 the Arizona Veterinary Medical Examining Board's findings of fact, conclusions of law and
3 order.
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6 DATED this 27th day of July 2022
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8 Melanie Rettler, DVM

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10 By: 

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13 **CERTIFICATE OF SERVICE**
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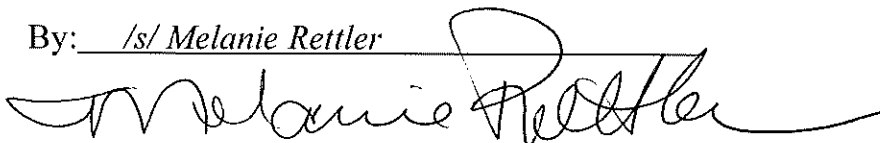
15 I hereby certify that on July 27, 2022, I filed the foregoing document with the Board's
16 Executive Director by Certified mail and U.S. mailed a copy this same date to the following:
17

18 **ORIGINAL** of the foregoing
19 mailed this 27th day of July 2022, to:

20 Arizona State Veterinary Medical
21 Examining Board
22 1740 W. Adams St. Ste. 4600
23 Phoenix, Arizona 85007

24 A copy was emailed to Victoria.whitmore@vetboard.az.gov July 27,2022

25 By: /s/ Melanie Rettler

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1 Medical Examining Board, and proceeded as is permitted by A.R.S. §§ 32-
2 2234(A) and 41-1092 *et seq.*

3 Following the Formal Hearing and the Board's discussion of the evidence,
4 the Board determined that Respondent's conduct constituted unprofessional
5 conduct pursuant to A.R.S. § 32-2232(18). After considering all of the evidence
6 and testimony, the Board issues the following Findings of Fact, Conclusions of
7 Law and Order, ("Order").

8 **FINDINGS OF FACT**

9 1. Respondent is the holder of License No. 2059 issued on June 19, 1991,
10 and is therefore authorized to practice the profession of veterinary medicine in
11 the State of Arizona.

12 2. On August 18, 2021, the Board conducted an Informal Interview in Case
13 No. 21-96. Respondent was present and participated in the Informal Interview.
14 Following the Informal Interview and after due consideration of all the evidence
15 and the law, the Board issued Findings of Fact, Conclusions of Law and an Order
16 for Probation for a one year period. ("Board Order").

17 3. The Board Order was issued on September 28, 2021, which became
18 effective on November 2, 2021.

19 4. Pursuant to the Board Order, Respondent was required to complete six
20 hours of continuing education within one year. Respondent was also required
21 to provide "a written outline stating how she plans to satisfy the continuing
22 education requirements" within 60 days of the effective date of the Board
23 Order. Respondent's continuing education plan ("CE Plan") was due on
24 January 3, 2022.

25 5. On January 26, 2022, the Board staff e-mailed Respondent regarding
her CE Plan and requested an update.

6. On February 6, 2022, Respondent sent her reply. In it she expressed her views on the Board Order and that she felt the Board lacked jurisdiction over her as a licensed veterinarian.

7. The Board considered Respondent's failure to comply with the Board Order at its meeting on February 16, 2022. Respondent was noticed but did not attend the meeting. After due consideration of the matter, including Respondent's February 6, 2022 e-mail, the Board voted to open a new complaint based upon her failure to comply with a Board Order and remanded the matter to Formal Hearing. The non-compliance case was assigned Case No. 22-94.

8. Thereafter, the Board notified Respondent of its action. On March 9, 2022, she sent the Board a letter wherein she reiterated her intention not to comply with the Board Order.

9. To date, Respondent has not submitted her CE Plan in violation of the Board's Order.

CONCLUSIONS OF LAW

10. The conduct and circumstances as described above constitute UNPROFESSIONAL CONDUCT pursuant to **A.R.S. § 32-2232(18)** violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any of the provisions of this chapter, a rule adopted by the Board or a written order of the Board.

ORDER

11. Based upon the foregoing Findings of Fact and Conclusions of Law it is **ORDERED** that Respondent's License, No. 2059 is **REVOKED**.

1 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2 Respondent is hereby notified that she has the right to petition for a
3 rehearing or review. The petition for rehearing or review must be filed with the
4 Board's Executive Director within thirty (30) days after service of this Order.
5 A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally
6 sufficient reasons for granting a rehearing or review. A.A.C. R3-11-904(C).
7 Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-
8 1092.09(C). If a petition for rehearing or review is not filed, the Board's Order
9 becomes effective thirty-five (35) days after it is mailed to Respondent.

10 Respondent is further notified that the filing of a motion for rehearing or
11 review is required to preserve any rights of appeal to the Superior Court.

12 Dated this 28th day of June, 2022.

13 Arizona State Veterinary Medical Examining Board
14 Jim Loughhead
15 Chairman

16 By: 
17 Victoria Whitmore, Executive Director

18
19 Original of the foregoing filed this 28th day of June, 2022,
20 with the:

21 Arizona State Veterinary
22 Medical Examining Board
23 1740 W. Adams St., Ste. 4600
24 Phoenix, Arizona 85007

25 Copy of the foregoing sent by certified, return receipt mail
 this 28th day of June, 2022, to:

1 Melanie Rettler, DVM
2 Address on file
3 Respondent

4 Copy of the foregoing sent by email
5 this 28th day of June, 2022, to:

6 Melanie Rettler, DVM
7 E-mail Address on file
8 Respondent

9 By: 
10 Board Staff
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1 December 31, 2016. On March 3, 2017, Respondent renewed her premises
2 license more than a month after the February 1, 2017 date when late fees were
3 initiated.

4 3. During the following license renewal cycle, on December 31, 2018,
5 Respondent's premises license expired. She was sent a letter on February 12,
6 2019 notifying her that the premises license had expired and action needed to
7 be taken to renew if she was going to continue to provide veterinary services
8 from the premises.

9 4. On January 31, 2021, Respondent contacted the agency stating that she
10 had attempted to renew the premises license online but could not find a form
11 to print. Respondent was advised that her premises license had expired on
12 December 31, 2018 at the previous renewal cycle.

13 5. Respondent stated that she was sure she sent in the premises renewal with
14 her veterinarian renewal as she always submits them together. Director
15 Whitmore verified that the agency had received Respondent's veterinarian
16 license renewal payment on February 29, 2019 without the veterinary renewal
17 application form. Board staff emailed the veterinary renewal application form
18 to Respondent that same day. Respondent did not mention the premises
19 license renewal. Respondent was unable to locate the cancelled check that
20 would indicate she had submitted and paid for her premises license renewal
21 which had an expiration date of December 31, 2018.

22 6. On February 17, 2021, the Board voted to open an investigation due to
23 Respondent continuing to provide veterinary services through her lapsed
24 premises license.
25

1 7. On February 23, 2021, Respondent was sent a notice of the investigation
2 asking her to respond.

3 8. On February 26, 2021, Respondent renewed her premises license. No fees
4 were necessary to renew for the 2021-2022 cycle because the Board had
5 waived all license renewal fees via the authority of a Governor's Executive
6 Order.

7 9. On March 10, 2021, Respondent responded to the open investigation.
8 Respondent stated that until she attempted to renew her premises license
9 online in January 2021 and spoke with Ms. Whitmore, she did not know that her
10 premises license had expired.

11 10. Respondent thought she had mailed the premises renewal application
12 with fee to the Board office in January 2019. She stated that she may have
13 mailed it to the wrong address, or misplaced the document and not mailed it.
14 Respondent relayed that she was under the impression that her premises
15 license was valid and current.

16 CONCLUSIONS OF LAW

17 11. The Findings of Fact constitute administrative violation of **A.R.S. § 32-2274**
18 **(A)(9)** for failure to maintain a premises license for two years; 2019 – 2020.
19 Respondent continued to provide veterinary medical services to the public
20 without a premises license after it had lapsed on February 1, 2019 (expiration
21 date December 31, 2018).

22 ORDER

23 Based upon the foregoing Findings of Fact and Conclusions of Law it is
24 **ORDERED** that Respondent's License, No. 2059 be placed on **PROBATION** for a
25 period of one year, subject to the following terms and conditions:

Continuing Education

1. In addition to the continuing education (CE) requirements of A.A.C. R3-11-401(A), within 12 months of the effective date of this Order, Respondent shall complete three (3) hours of continuing education in the area of veterinary medical ethics and three (3) hours of continuing education by completing the RACE-approved "Regulation of the Profession" course or an equivalent course. All required continuing education shall be **pre-approved** by the Board. Respondent shall submit to the Board for its approval within sixty (60) days of the effective date of this Order a written outline stating how she plans to satisfy the continuing education requirements. The outline shall include **course details** including, **title, provider, date(s), hours of CE** to be earned, and a **brief course summary**.

2. Upon completion, Respondent shall submit to the Board a certificate of completion of the required continuing education prior to the end of the Probation period.

Civil Penalty

3. Respondent shall pay a civil penalty of one thousand dollars (\$1,000); this includes three hundred dollars (\$300) for the unpaid 2018 premises license renewal and late penalty fee plus a seven hundred dollar (\$700) penalty. The civil penalty totaling one thousand (\$1,000) is to be paid on or before the end of the Probation period. **Civil penalty is to be paid by certified check, cashier's check or money order** made payable to the Arizona State Veterinary Medical Examining Board.

General Provisions

1 4. Respondent shall obey all federal, state and local laws/rules governing
2 the practice of veterinary medicine in this state.

3 5. Respondent shall bear all costs of complying with this Order.

4 6. This Order is conclusive evidence of the matters described and may be
5 considered by the Board in determining an appropriate sanction in the event a
6 subsequent violation occurs. In the event Respondent violates any term of this
7 Order, the Board may, after opportunity for Informal Interview or Formal
8 Hearing, take any other appropriate disciplinary action authorized by law,
9 including suspension or revocation of Respondent's license.

10
11 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

12 Respondent is hereby notified that she has the right to petition for a
13 rehearing or review. The petition for rehearing or review must be filed with the
14 Board's Executive Director within thirty (30) days after service of this Order.
15 A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally
16 sufficient reasons for granting a rehearing or review. A.A.C. R3-11-904(C).
17 Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-
18 1092.09(C). If a petition for rehearing or review is not filed, the Board's Order
19 becomes effective thirty-five (35) days after it is mailed to Respondent.

20 Respondent is further notified that the filing of a motion for rehearing or
21 review is required to preserve any rights of appeal to the Superior Court.

22 Dated this 28th day of September, 2021.

23 Arizona State Veterinary Medical Examining Board
24 Jim Loughhead
25 Chairman

1 By: Victoria Whitmore
Victoria Whitmore, Executive Director

2
3 Original of the foregoing filed this 28th day of September, 2021
4 with the:

5 Arizona State Veterinary
6 Medical Examining Board
7 1740 W. Adams St., Ste. 4600
Phoenix, Arizona 85007

8
9 Copy of the foregoing sent by certified, return receipt mail
this 28th day of September, 2021 to:

10 Melanie Rettler, DVM
11 Address on file
12 Respondent

13 Copy of the foregoing sent by email
14 this 28th day of September, 2021 to:

15 Melanie Rettler, DVM
16 E-mail Address on file
Respondent

17
18 By: V. Whitmore
Board Staff